

# Exhibit D

## Lew-Pham, Nancy

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**From:** Carl Wescott <carlwsoj@gmail.com>  
**Sent:** Monday, November 28, 2022 5:41 PM  
**To:** Graft, Alex  
**Cc:** Lew-Pham, Nancy  
**Subject:** Re: Wescott v. Weaver - RE: [EXT] Please email me a digital copy of your filing (Was: Fwd: package from Lewis Brisbois)



No, Mr. Graft, but after reviewing your motion, I think you have two winning arguments (maybe three) out of your four. I'm planning to dismiss Mr. Weaver.

(It doesn't affect Mr. Weaver, but I'm going to amend the legal complaint and add about 7 causes of action that are stronger than the debt collections practices counts).

As an attorney, Mr. Weaver had a duty, once I notified him, to investigate the fact that I was never served on the Fiechter lawsuit.

Mailing a summons to the address "Carl Wescott c/o San Pedro Sula, Honduras" and emailing old email addresses does not constitute valid personal service. Even had Mr. Zeff, as agent for Fiechter, mailed the summons to a correct address, or emailed me at my actual email address, I would have been aware of the lawsuit but that would not constitute valid service.

We all know that I should have been personally served with the lawsuit and summons. To represent to the Court that mailing a random city in Honduras or emailing me constitutes valid personal service is extrinsic fraud upon the Court.

But that was prior to Mr. Weaver representing Mr. Fiechter in this particular case/matter.

After I notified Mr. Weaver of this issue (lack of service), Mr. Weaver then should have withdrawn (after his investigation), and he should have notified the Court of this issue.

However, since I'm unaware of any action that Mr. Weaver has taken to collect on the fraudulent judgment, I'll dismiss him from the lawsuit.

Mr. Weaver's ethical lapses and refusal to do the right thing are matters for me to complain about to the California bar.

Mr. Weaver apparently wasn't involved in Mr. Zeff bribing the opposing law offices to steal confidential and privileged information about me, either. That's another matter for the California bar, and from looking at other cases, can warrant disbarment. That's also a matter for law enforcement, because in California, kickbacks and commercial bribery with payments of over \$1000 are a felony.

You can inform Mr. Weaver, whom I've already notified on multiple occasions, that I'll give him one more chance, until the end of the year (2022) to:

\* withdraw from representing Mr. Fiechter related to this case (*Fiechter versus Wescott*) and judgment and the collection thereof

and/or

\* investigate the matter, and do his duty to inform the Court that I was never served etc.

If Mr. Weaver does neither by 12/31/2022, I will complain to the California bar about Mr. Weaver in January 2023.

If Mr. Weaver does not withdraw, then in the future, the moment he takes a step to attempt to collect on the fraudulent judgment, or renews it, then I will sue Mr. Weaver and Mr. Fiechter. His client is liable for his tortious acts.

I think your last argument is a non-starter in federal Court, but you wrote an excellent motion/brief.

I'll get the dismissal out to the Court (by mail) in the next 24 hours, and will send you a copy (both served, and digital courtesy copy).

--CAW +1 936 937 2688

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Carl A. Wescott

On Mon, Nov 28, 2022 at 9:46 PM Graft, Alex <[Alex.Graft@lewisbrisbois.com](mailto:Alex.Graft@lewisbrisbois.com)> wrote:

Hi Mr. Wescott,

Please see the attached proposed stipulation concerning the initial status conference in the above case. Are you amenable to modifying the case schedule accordingly? Please advise.

Thanks,



**Alex A. Graft**

**Partner**

*Certified Specialist, State Bar of California*

*Legal Malpractice*

*Vice Chair of Legal Malpractice Group*

[Alex.Graft@lewisbrisbois.com](mailto:Alex.Graft@lewisbrisbois.com)

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**PLEASE NOTE OUR NEW ADDRESS AS OF 10/24/2022:**  
**45 Fremont Street, Suite 3000, San Francisco, CA 94105**



**Alex A. Graft**  
**Partner**  
[Alex.Graft@lewisbrisbois.com](mailto:Alex.Graft@lewisbrisbois.com)

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**From:** Carl Wescott <[carlwsoj@gmail.com](mailto:carlwsoj@gmail.com)>

**Sent:** Wednesday, November 23, 2022 1:54 PM

**To:** Lew-Pham, Nancy <[Nancy.Lew-Pham@lewisbrisbois.com](mailto:Nancy.Lew-Pham@lewisbrisbois.com)>

**Cc:** Graft, Alex <[Alex.Graft@lewisbrisbois.com](mailto:Alex.Graft@lewisbrisbois.com)>

**Subject:** Re: Wescott v. Weaver - RE: [EXT] Please email me a digital copy of your filing (Was: Fwd: package from Lewis Brisbois)

Received, thanks!

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Carl A. Wescott +1 936 937 2688

On Thu, Nov 24, 2022 at 1:30 AM Lew-Pham, Nancy <[Nancy.Lew-Pham@lewisbrisbois.com](mailto:Nancy.Lew-Pham@lewisbrisbois.com)> wrote:

Mr. Wescott, attached please find the following:

Doc 13 – filed Notice of Special Motion (Anti-SLAPP);

Doc 13-1 filed MPA iso Special Motion (Anti-SLAPP);

Doc 13-2 filed Dec of Robert Weaver iso Special Motion (Anti-SLAPP);

Doc 13-3 filed Dec Alex Graft iso Special Motion (Anti-SLAPP); and

Doc 13-4 filed Certificate of Service.

Thank you.

Begin forwarded message:

**PLEASE NOTE OUR NEW ADDRESS AS OF 10/24/2022:  
45 Fremont Street, Suite 3000, San Francisco, CA 94105**



Nancy Lew-Pham  
Secretary  
[Nancy.Lew-Pham@lewisbrisbois.com](mailto:Nancy.Lew-Pham@lewisbrisbois.com)  
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**From:** Carl Wescott <[carlwsoj@gmail.com](mailto:carlwsoj@gmail.com)>  
**Date:** November 23, 2022 at 11:57:01 AM PST  
**To:** "Graft, Alex" <[Alex.Graft@lewisbrisbois.com](mailto:Alex.Graft@lewisbrisbois.com)>, Carl Wescott <[carlwsoj@gmail.com](mailto:carlwsoj@gmail.com)>  
**Subject:** [EXT] Please email me a digital copy of your filing (Was: Fwd: package from Lewis Brisbois)  
**Reply-To:** [carlwsoj@gmail.com](mailto:carlwsoj@gmail.com)

Mr. Graft, as I'm not home in Scottsdale this week, I can't open the package with your filing (I called Lewis Brisbois and found out it was your filing).

Would you be so kind as to email me, or have someone email me, your filing(s) in *Wescott versus Weaver, et al.*?

I'll send you digital courtesy copies of my filings in the future.

--Carl

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Carl A. Wescott +1 936 937 2688

----- Forwarded message -----

**From:** Carl Wescott <[carlwsoj@gmail.com](mailto:carlwsoj@gmail.com)>  
**Date:** Wed, Nov 23, 2022 at 11:20 PM  
**Subject:** package from Lewis Brisbois  
**To:** McGourty, Zachary <[zachary.mcgourty@lewisbrisbois.com](mailto:zachary.mcgourty@lewisbrisbois.com)>  
**Cc:** <[anthony.barone@lewisbrisbois.com](mailto:anthony.barone@lewisbrisbois.com)>, <[diana.hart@lewisbrisbois.com](mailto:diana.hart@lewisbrisbois.com)>

Hello Mr. McGourty, (and/or Mr. Barone and Ms. Hart)-

A package from Lewis Brisbois arrived at my house in Scottsdale yesterday (as I can see via a USPS service). I assume it came from (mailed) service of something you filed in Court. But I'm not home at the moment.

Would you be so kind as to send (email) me a digital/electronic copy of whatever you sent to me?

Thank you

--CAW +1 936 937 2688

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Carl A. Wescott